

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GAVIN BLAINE OLSON,
#69632

Plaintiff,

vs.

JACK PALMER,

Defendant.

3:10-cv-0249-RCJ-VPC

ORDER

This is a *pro se* prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On August 11, 2010, the court dismissed the complaint with leave to amend, ordering plaintiff to file an amended complaint within thirty days (docket #3). Plaintiff was granted an extension of time until October 25, 2010, to file his amended complaint (docket #7). The order was served on plaintiff at his address of record. Plaintiff has not filed an amended complaint.

Plaintiff filed a motion for appointment of counsel on September 20, 2010 (docket #8). A litigant in a civil rights action does not have a Sixth Amendment right to appointed counsel. *Storseth v. Spellman*, 654 F.2d 1349, 13253 (9th Cir. 1981). In very limited circumstances, federal courts are empowered to request an attorney to represent an indigent civil litigant. The circumstances in which a court will make such a request, however, are exceedingly rare, and the court will make the request under

1 only extraordinary circumstances. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 799-800 (9th Cir.
2 1986); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

3 A finding of such exceptional circumstances requires that the court evaluate both the
4 likelihood of success on the merits and the plaintiff's ability to articulate his claims in *pro se* in light of
5 the complexity of the legal issues involved. Neither factor is dispositive, and both must be viewed
6 together in making a finding. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)(citing *Wilborn*,
7 *supra*, 789 F.2d at 1331). The district court has considerable discretion in making these findings. The
8 court will not enter an order directing the appointment of counsel.

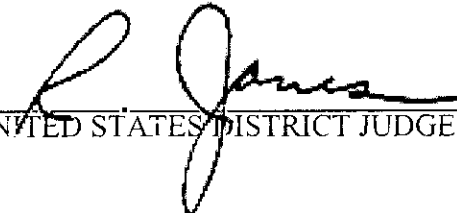
9 Nearly ninety days has elapsed since the court dismissed plaintiff's complaint with leave
10 to file an amended complaint, and plaintiff has not filed an amended complaint. Therefore, plaintiff's
11 action shall be dismissed.

12 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITH PREJUDICE**
13 for the failure of plaintiff to comply with this court's orders of August 11 and September 9, 2010.

14 **IT IS FURTHER ORDERED** that plaintiff's motion for appointment of counsel (docket
15 #8) is **DENIED**.

16 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close
17 this case.

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19 DATED this 29th day of November, 2010.

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22 UNITED STATES DISTRICT JUDGE
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